

Written Objections to the FEIS for the Tekla-Osage-Rapid City 230 kV Transmission Line Project, Craig Bobzien Forest Supervisor, Forest Service, Black Hills National Forest, Douglas Ranger District, Medicine Bow-Routt National Forest

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January 8, 2015

We are writing to place multiple objections to the FEIS that has been crafted to support the proposed construction of the Tekla-Osage-Rapid City 230kV Black Hills Power transmission line.

We feel the comments we made regarding the DEIS were not fully addressed and are not even close to being resolved. There of course was no independent review of our initial objections and the FEIS has only pushed forward the previous preconceived positions lacking objectivity, completeness, and validity that were in the DEIS.

In our original comments we noted there was no mention in the DEIS of the 62,000 plus acre Oil Creek Fire in 2012 caused by negligent maintenance of a BHP powerline. This fire raged for days and filled the hills and valleys of the western Black Hills with toxic smoke and carcinogens, leaving behind millions of dollars of property damage and untold hurt and heartbreak. We asked why the Oil Creek Fire was not even mentioned in the DEIS. We received no answer. The FEIS included a tepid reference to the Oil Creek Fire (obviously hoping to sweep this under the rug), but no explanation why it was ignored in the DEIS. We want an answer! The obvious answer is that collusion exists between the writers of the EIS and BHP in order to avoid any negative references to BHP and their methods of operation. In the FEIS there is no mention of the multi-million dollar litigation suing BHP in U.S. District Court in Cheyenne for damages resulting from the Oil Creek Fire. There is no mention in the FEIS that the proposed BHP powerline would cross several miles of land already scorched by the Oil Creek Fire of 2012.

Our Comment T-2 was not adequately addressed. The proposed site of the project goes over a location where an abandoned power line once was in place. This abandoned line site is NOT a legal ROW to put a 125 ft. wide clearing and easement for a 230kV line. Any old ROW in place does not translate into a legal current larger ROW. Please admit this and put this in the record.

Furthermore, while discussing these ROW and location issues, why was no analysis submitted about putting the new project along the existing line that runs Osage to Newcastle to Custer to Rapid City? There is a line in this corridor now (the one that caused the Oil Creek Fire), but why not consider this routing instead of using the more rugged present proposal? Factors may make this option inadvisable as well, but there should at least be some discussion about this route.

There is a small reference in the FEIS to Phil Geenen, Fire investigator for South Dakota, in the response to Comment S-3, but it does not include the findings of Mr. Geenen's report but rather says the agencies have reviewed the report and a copy is in the project file. What is being hidden here? A little research would show that the implicated line which caused the Oil Creek Fire was built in 1947 and 1948 and there is no record of the failed crossarm which led to the ignition of the Oil Creek Fire having been serviced or replaced since the time of construction. The failed line was over three years past the 10-year inspection period with the last inspection on record as 1999. An aerial survey of the line on June 4, 2012 showed a defect in the crossarm on structure 55 where the Oil Creek Fire started, but no repair was undertaken by BHP in spite of the "Class A" (immediate action required) report. This is absolute evidence of negligence on the part of BHP leading to the Oil Creek conflagration. The action of BHP is well below acceptable industry standards of power line maintenance. These facts need to be aired in any EIS that discusses risk of transmission line induced fire. The DEIS and FEIS falsely assume BHP follows industry standards of fire prevention whereas the facts in the Oil Creek Fire case demonstrate this assumption is completely erroneous. As a result you must change the risk analysis for powerline-caused fires when the lines are owned and maintained by BHP.

Our comments of poor BHP line maintenance were basically ignored. These are issues that need to be addressed and spotlighted. Building a power line through rugged mountainous terrain carries a greater risk of uncontrolled wildfire because fire fighting teams cannot access the blaze to put it out in the early stages. This is very basic. If the risks are increased by substandard or nonexistent maintenance of the line you have the ingredients for a repeat of the Oil Creek Fire disaster.

Our objection T-4 was passed off with a reference to response 5-7 preceding it. Response 5-7 does not begin to cover our objections. If multiple reference is made in the FEIS that a longer construction period would involve increased emissions from the construction equipment there must be a quantification to give this argument any validity. How about comparing the carbon footprint of equipment installing 40 extra miles of powerline with the carbon load released by the 62,000 plus acre Oil Creek Fire? Please also fully respond to the rest of comment T-4.

Our Comment T-5 raised the issue of fatal aircraft collisions with BHP transmission lines, which are a matter of public record. Nothing was mentioned in the DEIS and the inadequate response in the FEIS shows there is a concerted effort by the writers of the FEIS to dodge this issue and avoid any negative attention for BHP. In February of 1964 Delbert Earl Robinson, age 35, was fatally injured when his airplane struck a BHP powerline in Oil Creek Canyon. On August 17, 1999, four people died in a fiery plane crash when they struck a BHP powerline in Plum Creek Canyon. Dead were 46 year old John McDill and his nine year old son Levi, 22 year old Jason McDill, and 36 year old Kyle Engel. Both these crashes occurred with the abandoned BHP power line that was removed over 10 years ago but is the site of the proposed project. These statistics are still missing in the FEIS, obviously willfully omitted as these incidents are all matters of public record (just Google search "Newcastle Wyoming Fatal airplane powerline crash" and you will come to the KELOland article). At the powerline meeting in Newcastle on September 13, 2011, each expert there whom we questioned about powerline-caused aviation accidents along this proposed route for The Project knew nothing about the **tragic history this route**

has. To a person their attitude was “This is where we are coming with the powerline and there is nothing you can do to stop us.”

Table 3-29 does not include the fire caused in 2010 when an Air Tractor aircraft spraying grasshoppers struck the Osage-Newcastle BHP powerline, cutting the wires and igniting a grass fire on private property approximately four miles northwest of the Newcastle airport. Transmission line poles were fractured in this event but the incredibly sturdy Air Tractor flew safely back to the airport without harm to the pilot. The FEIS missed this one not only as a recent airplane/powerline collision but also as a fire within five miles of the proposed project. Why did the FEIS not include this? It is a matter of both public record and BHP maintenance records.

Throughout the DEIS and FEIS there are numerous references to the “need” for the proposed project which read like BHP talking points, see for example 1.4 of the FEIS. Since the presentation of the FEIS to interested parties on December 6, 2014 with a 45 day comment period to follow, there has been a meeting of the Wyoming Public Service Commission on December 15, 2014, where they heard BHP’s application for a Certificate of Public Convenience and Necessity. After hearing input from various people the Commission decided unanimously NOT to grant the CPCN at that time. Obviously the Commission was not favorably impressed by the FEIS and its uncontested position of “need” for this project. This renders the entire concept of “need” as an unresolved issue in this case and negates the FEIS position of need for this project. The only need in this case was for BHP to get a CPCN from the Commission so they could use it as leverage against the private landowners to force a ROW agreement and to give BHP a big hammer with which to force condemnation proceedings against any landowners left standing. Under oath at the Commission meeting (where we were in attendance) BHP representative Mike Fredrich was explicitly asked by the Commissioners if BHP wanted the CPCN to use against the landowners and if BHP intended to use condemnation proceedings to secure ROW. Mr. Fredrich denied any such intentions on the part of BHP but it is our opinion that nearly everyone in the room knew Mr. Fredrich was committing perjury. Under further questioning by the Commission Mr. Fredrich said BHP wanted the CPCN immediately because BHP has a contract with Basin Electric to start selling power via the new line on January 1, 2016. He failed to say the whole truth in that it is obvious BHP wants to get the CPCN before all the expert testimony of their negligence in causing the Oil Creek Fire makes public headlines in the U.S. District court case in Cheyenne brought by landowners suffering damage in that blaze and due for trial later this year.

Thank you for your attention and consideration. We are looking forward to complete answers to our comments.

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